

FOR IMMEDIATE RELEASE – December 21, 2011

Contact: LuAnn Canipe tel: (202) 225-6089 / email: luann.canipe@mail.house.gov

U.S. Representatives Miller and Jones Call for Investigation and Prosecution of Illegal Foreclosures of U.S. Servicemembers

Washington, D.C. – **U.S. Reps. Brad Miller** (D-NC) and **Walter Jones** (R-NC) today called on the United States Justice Department to investigate thoroughly and prosecute vigorously violations of the Servicemembers Civil Relief Act (SCRA) that resulted in the illegal foreclosure of active duty servicemembers' homes while some served in the war zones of Iraq and Afghanistan.

In a letter to Attorney General Eric Holder, Reps. Miller and Jones cited the Office of the Comptroller of the Currency's (OCC) requirement to review some 5,000 improper foreclosures on military personnel by ten mortgage servicers or banks that may be in violation of the SCRA.

The OCC reviews, as well as several civil lawsuits by servicemembers, suggest that many mortgage servicers simply disregard the SCRA when conducting foreclosures.

"The SCRA is not some obscure legal technicality that might just have escaped the attention of mortgage servicers." **Rep. Miller** said. "Those servicers are all affiliates of the biggest banks, but they're huge and specialized. Servicing mortgages is all they do, and they really don't have that many laws to keep up with. They have got to have known what the law required, and

consciously decided that they could just ignore it, the same way they apparently decided it was okay to file false affidavits in legal proceedings."

The letter urges the Attorney General not to release violations of the SCRA amid reports of an imminent settlement between state attorneys general, federal agencies and mortgage servicers arising from improper mortgage foreclosure practices.

Violation of the SCRA is punishable by up to one year of imprisonment and a fine. In addition, the United States Attorney General may bring a civil action to enforce the SCRA.

"The continued failure to pursue criminal charges in the face of flagrant violations of the criminal law is destroying Americans' faith in their government and democracy," **Miller** said. "In a democracy, no one is too big to prosecute."

SCRA is very clear: if you're in harm's way in our nation's military, you can devote your whole energy to our nation's service without worrying what's happening in a courthouse back home. The law was enacted to protect active duty military personnel from unfair punishment as a result of their service. If a credit rating is damaged by a foreclosure, it can impact national security clearances. The kind of stress and enormous toll on military families caused by an illegal foreclosure or threat of eviction can be devastating to a servicemember's military readiness.

###

Letter to Attorney General Holder is [attached](#)